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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/805,185	03/14/2001	Mitsuru Sawano	Q63490	2844

7590

01/23/2003

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EXAMINER

CONE, DARIUS N

ART UNIT

PAPER NUMBER

2854

DATE MAILED: 01/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/805,185

Applicant(s)

SAWANO, MITSURU

Examiner

Darius N. Cone

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6 and 8-11 is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- ☐ Interview Summary (PTO-413) Paper No(s). _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barbera et al. (US pat # 6,364,556 B1).

With respect to claims 1, Barbera et al. teach an insertion platform or paper transport mechanism (101) structured with openings (see Fig. 2) formed in the transport mechanism with optical emitter (207) mounted on an upper arm (203) and photo-receptor (211) mounted on lower arm (205) in visual alignment with emitter (207) projecting a light beam across paper path (109) sensing a passing sheet.

With respect claim 2, Barbera et al. teach paper transport mechanism containing an opening and an optical emitter connected thereto to emit light. A fluorescent substance for coating is not needed when using an optical emitter.

With respect to claims 3 and 5, Barbera et al. teach an opening or path provided on the lower side of the paper transport mechanism for light to be emitted.

Barbera et al. does not teach optical emitter (207) located on the lower arm (205) and photo-emitter (211) located on the upper arm (203) of sensor (123). It would be

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obvious to have a reversal of parts, a light source (207) located on the lower side of the insertion platform, which would work equivalently to its original configuration.

3. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barbera et al. (US pat # 6,364,556 B1) in view of Murazaki et al. (US pat # 5,859,496).

With respect to claim 4, Barbera et al. teach all the limitations as explained above in claim 1, except for using light accumulation fluorescent substance coated on a light transmission member. Murazaki et al. teach that a fluorescent substance on a light emitting member is beneficial since it provides illumination in the event of a power outage. It would be obvious to one ordinary skilled in the art to modify Barbera et al. by including a fluorescent substance on the light emitting member for the purpose of assuring illumination in the event of a power outage or the like.

4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barbera et al. (US pat # 6,364,556 B1) in view of Takekoshi (US pat # 6,120,199).

With respect to claim 7, Barbera et al. teach all the limitations as explained above in claim 1, except for providing a heat roller pair which heats and presses the superimposed sheets entering from the insertion platform. Takekoshi teach a roller pair (72,71) combined in a fixing unit to heat a print medium (1). It would be obvious to one ordinary skilled in the art to provide a thermal printing apparatus as taught by Takekoshi whose properties are well known in the art of printing for heating treated sheets, ordinary plain sheets or superimposed sheets to transfer an image.

Allowable Subject Matter

5. Claims 6 and 8-11 are allowed.

Response to Arguments

6. Applicant's arguments filed 10-21-2002 have been fully considered but they are not persuasive. Applicant's arguments center around the assertion that it would not be obvious to reverse the parts of Barbera, that is placing LED 207 on the lower side of the paper path as an equivalent to the Applicant's claimed invention. Although Applicant argues that there can not be visual confirmation from the configuration presented by the Examiner, the patent to Barbera teaches that these commercially available parts, LED, optical emitter, etc., can be selected or tailored to any specific implementation and also states that by using an emitter on one side of a sheet paired with a photo-receptor on the opposite side of the sheet will give an indication of the total light being transmitted across the paper path. Applicant's argument that accurate positioning can be quickly and easily performed is an advantage also taught by Barbera (see col. 2, lines 30-40). Claim 4, which relies on the patent to Murazaki et al. teach that a fluorescent substance on a light emitting member is beneficial since it provides illumination in the event of a power outage, one of many uses for fluorescent substances obvious to one ordinary skilled in the art or printing for coating. Claim 7, relies on the patent to Takekoshi et al., which teach a roller pair (72,71) combined in a fixing unit to heat a print medium (1),

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also an obvious configuration to one ordinary skilled in the art of printing for heating treated sheets.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Darius N. Cone whose telephone number is (703) 308-1061. The examiner can normally be reached on 9am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (703) 305-6619. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-0725 for regular communications and for After Final communications.

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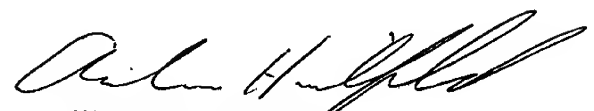
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

DNC

January 21, 2003



ANDREW H. HIRSHFELD
SUPERVISORY PATENT EXAMINER
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